

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

In re: Jesse Albert Moore) Case No: 20-31195
dba 401 WEST BROAD STREET, LLC) Chapter 13

OBJECTION TO CONFIRMATION

COMES NOW, Susan H. Call, Counsel for Carl M. Bates the Chapter 13 Trustee, and moves this Court to deny confirmation of the Chapter 13 Plan filed on September 23, 2020, for the cause as follows:

1. The Debtors filed this Chapter 13 Petition on March 3, 2020 under 11 U.S.C. Chapter 13, now pending in the United States Bankruptcy Court, Eastern District of Virginia, Richmond Division.
2. This Objection is filed pursuant to 11 U.S.C. 1325.
3. The above filed Chapter 13 Plan fails to pay the equivalent distribution to unsecured creditors that they would receive under the Chapter 7 liquidation analysis, shown by:
 - a. The debtor has substantial assets to include real estate, land, jewelry and vehicles that have substantial equity as well as claims against other entities.
 - b. The debtor is relying on a “Lump sum in month 12 to come from sale of real property anticipated as a result of motion to set aside transfer filed by Debtor” to fund the plan with the lump sum due in month 12 in the amount of \$85,600.00.
 - c. The debtor is in month seven and no Motion to Set Aside the Transfer has been filed by the debtor. This payment is speculative and set too far out in time.
 - d. Based upon belief and evidence, the debtor understates the value of real estate disclosed on Schedule A as 4252 Frederick Farms Drive, Midlothian, VA, valued as \$135,000.00, but the tax assessed value is \$273,800.00. The Trustee believes the debtor has the address wrong or there is a second parcel of real estate. The proof of value provided is 4242 Frederick Farms Drive.
 - e. The Trustee suggests that all liquidation requirements, requirements be met.

WHEREFORE, for the reasons stated herein, the Chapter 13 Trustee, by Counsel, Susan H. Call, respectfully moves the Court to deny confirmation of the Debtors’ proposed Chapter 13 Plan as filed with the Court, and for such further and other relief as in the premises may seem just.

Date: October 26, 2020

/s/Susan H. Call
Susan H. Call, Counsel for
Carl M. Bates, Chapter 13 Trustee

Susan H. Call, Esquire
Staff Counsel for
Carl M. Bates, Chapter 13 Trustee
P.O. Box 1819
Richmond, VA 23218-1819
(804) 237-6800
VSBN 34367

Certificate of Service

I hereby certify that on October 26, 2020, I have mailed or hand-delivered a true copy of the foregoing Objection to Confirmation to the debtor(s), Jesse Albert Moore, 208 Fulham Circle, Richmond, VA 23227 and electronically sent to debtor's attorney, Kimberly Alice Chandler, Esquire, kim@chandlerplc.com.

/s/Susan H. Call
Susan H. Call, Counsel for
Carl M. Bates
Chapter 13 Trustee

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Debtor Address 208 Fulham Cir
Richmond, VA 23227

Last four digits of Social Security No(s): 4189

NOTICE OF OBJECTION TO CONFIRMATION

Susan H. Call, Counsel for Carl M. Bates the Chapter 13 Trustee, has filed papers with the Court objecting to confirmation of your Chapter 13 Plan, which was filed in this case.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one).

If you do not want the court to grant the relief sought in the objection, or if you want the court to consider your views on the objection, then on or before three (3) days before the date of the hearing, you or your attorney must:

 X File with the court, at the address shown below, a written request for a hearing [or a written response pursuant to Local Bankruptcy Rule 9013-1(H)]. If you mail your request for hearing (or response) to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

Clerk of Court
United States Bankruptcy Court
701 East Broad Street, Suite 4000
Richmond, VA 23219

You must also mail a copy to:

Susan H. Call, Counsel for
Carl M. Bates
Chapter 13 Trustee
P.O. Box 1819
Richmond, VA 23218

_____ Attend a hearing to be scheduled at a later date. You will receive separate notice of hearing. **If no timely response has been filed opposing the relief requested, the court may grant the relief without holding a hearing.**

 X Attend the hearing on the objection scheduled to be held on **November 4, 2020** at **9:10 am** at United States Bankruptcy Court, **701 East Broad Street, Richmond, VA 23219, Room 5100.**

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the objection and may enter an order granting that relief.

Date: October 26, 2020

/s/Susan H. Call
Susan H. Call, Counsel for
Carl M. Bates
Chapter 13 Trustee
P.O. Box 1819
Richmond, VA 23218-1819
VSBN 34367

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I hereby certify that on October 26, 2020, I have mailed or hand-delivered a true copy of the foregoing Notice of Objection to Confirmation to the debtor(s), Jesse Albert Moore, 208 Fulham Circle, Richmond, VA 23227 and electronically sent to debtor's attorney, Kimberly Alice Chandler, Esquire, kim@chandlerplc.com.

/s/Susan H. Call
Susan H. Call, Counsel for
Carl M. Bates
Chapter 13 Trustee